

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Alfred D. Ducharme et al.
Serial No.: 10/705,643
Confirmation No.: 4766
Filed: November 10, 2003
For: METHODS AND APPARATUS FOR GENERATING PRESCRIBED
SPECTRUMS OF LIGHT
Examiner: I. Negron
Art Unit: 2875

RESPONSE TO RESTRICTION REQUIREMENT/ELECTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement mailed June 19, 2007 in the above-identified application, Applicants elect Group II, claims 15-20, 22-37, 39-43, 64, 70, 78, 98, 104, 112, and 114-117, for further prosecution.

I. Telephone Interview with Examiner

Applicant's undersigned representative appreciates the courtesies extended by Examiner Ismael Negron during a telephone interview on July 3, 2007.

During the telephone interview, Applicant's representative inquired about the Restriction Requirement mailed June 19, 2007, in which allowed claims are restricted, and the restriction is made after four previous Office Actions on the merits. Examiner Negron indicated that it appears that the Restriction Requirement was made in error, and advised Applicants to respond by making

an election with traverse and accompanying arguments, after which the Examiner would consider the response and likely withdraw the restriction requirement.

II. Election with Traverse

The election of the Group II claims is made with traverse to the Restriction Requirement. The Applicants respectfully submit that search and examination of all of the presently pending claims can be made without serious burden on the Examiner, as already demonstrated in four previous substantive Office Actions on the merits (Office Actions dated 12/16/2004, 10/12/2005, 3/27/06, and 1/9/2007).

Moreover, in the previous Office Actions, the Examiner *has already allowed all of the Group II claims*; thus, further prosecution of this application is not burdened in any manner by maintaining the Group II claims together with the Group I claims.

Hence, by the Examiner's own prior actions (i.e., four substantive Office Actions to date), the Examiner has conceded that search and examination of these claims can be made without a serious burden. According to MPEP §803, "if the search and examination of an entire application can be made without serious burden, the examiner **must** examine it on the merits" (emphasis added). For at least this reason, the Restriction Requirement is improper and should be withdrawn.

In sum, Applicants have distinctly and specifically pointed out what are respectfully believed to be errors in this Restriction Requirement, and hence traverse this requirement. In doing so, Applicants retain the right to petition from the requirement under 37 C.F.R. §1.144.

Applicants respectfully request the Examiner to reconsider and withdraw the Restriction Requirement and proceed with prosecution on the merits of all of the pending claims.

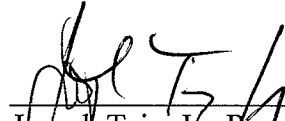
Should the Examiner maintain the Restriction Requirement, Applicants expressly reserve the right to prosecute groups not elected herein in other patent applications claiming the benefit of the filing date of this application.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Dated: July 19, 2007

Respectfully submitted,

By:



Joseph Teja, Jr., Reg. No. 45,157
WOLF, GREENFIELD & SACKS, P.C.
Federal Reserve Plaza
600 Atlantic Avenue
Boston, Massachusetts 02210-2206